

## TRANSPORTATION DEPARTMENT[761]

### Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 314.1A, the Iowa Department of Transportation, on October 11, 2017, adopted amendments to Chapter 180, “Public Improvement Quotation Process for Governmental Entities,” Iowa Administrative Code.

The following explains each item in this rule making:

- Item 1 updates the title of Chapter 180 to add reference to vertical infrastructure. Item 2 makes changes to the rule explaining the purpose of the chapter to more accurately correspond to the content in Chapter 180. Items 1 and 2 clarify that the chapter affects competitive quotations for public improvement contracts for vertical infrastructure.
- Item 3 updates the contact information to correct the name of the office responsible for this chapter and to add a telephone number for the Office of Support Services.
- Item 4 adds a reference to Iowa Code chapter 26, Public Construction Bidding, to a parenthetical implementation statute and revises the definitions of “estimated total cost of a public improvement,” “governmental entity,” “public improvement,” and “repair or maintenance work” to refer to the definitions in Iowa Code section 26.2. The definitions within Iowa Code section 26.2 will be the definitions the Department uses in these rules for these specific terms.
- Item 5 updates the Department’s Web site reference. The Department’s main Web site address is used instead of a more specific link that may change. This Web site reference is consistent with changes made in other Department chapters.

Notice of Intended Action for these amendments was published in the August 30, 2017, Iowa Administrative Bulletin as **ARC 3269C**. One change from the Notice was made. To correct an inadvertent omission from the Notice, the parenthetical implementation statute of rule 761—180.3(314) in Item 4 was revised to add a reference to Iowa Code chapter 26.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 26.2, 26.14, 314.1A and 314.1B.

These amendments will become effective December 13, 2017.

The following amendments are adopted.

ITEM 1. Amend **761—Chapter 180**, title, as follows:

PUBLIC IMPROVEMENT QUOTATION PROCESS FOR GOVERNMENTAL ENTITIES FOR  
VERTICAL INFRASTRUCTURE

ITEM 2. Amend rule 761—180.1(314) as follows:

**761—180.1(314) Purpose.** The purpose of these rules is to prescribe the manner by which governmental entities shall administer competitive quotations for public improvement contracts for vertical infrastructure, in accordance with Iowa Code section 26.14.

ITEM 3. Amend rule 761—180.2(314) as follows:

**761—180.2(314) Contact information.** Questions regarding this chapter may be directed to the Office of Facilities Support Services, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1299.

ITEM 4. Amend rule 761—180.3(314) as follows:

**761—180.3(26,314) Definitions.**

*“Estimated total cost of a public improvement”* means the estimated total cost to the governmental entity to construct a public improvement, including the cost of labor, materials, equipment, and supplies, but excluding the cost of architectural or engineering design services and inspection as defined in Iowa Code section 26.2.

*“Governmental entity”* means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, excluding the state board of regents and the state department of transportation as defined in Iowa Code section 26.2.

*“Public improvement”* means a building or construction work which is constructed under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal demolition and low-rent housing projects, industrial aid projects authorized under Iowa Code chapter 419, emergency work or repair or maintenance work performed by employees of a governmental entity, and excluding a highway, bridge, or culvert project, and excluding construction or repair or maintenance work performed for a city utility under Iowa Code chapter 388 by its employees or performed for a rural water district under Iowa Code chapter 357A by its employees as defined in Iowa Code section 26.2.

*“Repair or maintenance work”* means the preservation of a road, street, bridge, culvert, storm sewer, sanitary sewer, or other public facility (vertical infrastructure) so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility to its original condition with the same design as defined in Iowa Code section 26.2.

*“Responsible quotation”* means a quotation submitted by a contractor who is capable of performing the work. To be considered responsible, the contractor must possess the necessary financial and technical capability to perform the work, as well as the ability to complete the work as demonstrated by past performance or other appropriate considerations.

*“Responsive quotation”* means a quotation in which the contractor agrees to do everything required by the governmental entity’s solicitation of quotations and by the plans and specifications and other related documents, without any conditions, qualifications or exclusions.

*“Vertical infrastructure”* means buildings, all appurtenant structures, utilities, incidental street improvements including sidewalks, site development features, recreational trails, and parking facilities. Vertical infrastructure does not include any work constructed in conjunction with or ancillary to highway, street, bridge or culvert projects, including but not limited to utilities and sidewalks.

ITEM 5. Amend subrule 180.5(1) as follows:

**180.5(1)** A governmental entity shall solicit competitive quotations for a public improvement when the estimated total cost of the public improvement exceeds the competitive quotation threshold established in Iowa Code section 26.14, as adjusted pursuant to Iowa Code section 314.1B, but is less than the competitive bid threshold established in Iowa Code section 26.3, as adjusted pursuant to Iowa Code section 314.1B. The adjusted thresholds are published on the following Web site: [http://www.iowadot.gov/local\\_systems/publications/bid\\_limits.htm](http://www.iowadot.gov/local_systems/publications/bid_limits.htm) department’s Web site at [www.iowadot.gov](http://www.iowadot.gov).

[Filed 10/11/17, effective 12/13/17]

[Published 11/8/17]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/8/17.